

# Notice of Allowability

Application No.

10/616,661

Examiner

Elizabeth A. Bolden

Applicant(s)

OGINO ET AL

Art Unit

1755

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 June 2005.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**KARL GROUP**  
**PRIMARY EXAMINER**  
**GROUP 1755**

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the amendment to the specification was filed 25 June 2005, on page 15, line 18 the number "3250nm" appears to have a typographical number.

Therefore the application has been amended as follows:

On page 15, line 18 the value "3250nm" has been changed to - - 350nm- -.

#### *Allowable Subject Matter*

Claims 1-14 are allowed.

#### *Allowable Subject Matter*

The following is an examiner's statement of reasons for allowance:

The prior art fail to disclose or suggest a glass composition having the composition as recited in the instant claims, which result in the recited properties. Specifically, the limitation of the CI ratio in mass % of  $(\text{BaO} + \text{Nb}_2\text{O}_5) / \{3x(\text{TiO}_2 + \text{WO}_3) + \text{Bi}_2\text{O}_3 + \text{Nb}_2\text{O}_5\}$  as recited in the instant claims as persuasively argued in Applicants remarks filed June 27, 2005.

The closest prior art is deemed to be the art of the above rejections by Nakamura et al., U.S. Patent 4,261,751, Hayashi et al., U.S. Application Publication US 2002/0073735 A1, Nakamura et al., U.S. Patent 6,333,282 B1, and Ishibashi et al., U.S. Patent 4,115,131. These

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publications disclose a similar composition but do not teach the requirement of the CI ratio in mass % of  $(\text{BaO}+\text{Nb}_2\text{O}_5)/\{3x(\text{TiO}_2+\text{WO}_3)+\text{Bi}_2\text{O}_3+\text{Nb}_2\text{O}_5\}$ . It would not be obvious to one of ordinary skill in the art to pick and choose from the overlapping ranges of the above listed Prior Art such that the CI ration would be with in the range of the instant invention. Additionally, as commented on in the last office action filed 19 March 2005, the addition of  $\text{Gd}_2\text{O}_3$  also distinguished the instant invention from the Prior Art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 571-272-1363. The examiner can normally be reached on 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAB  
15 September 2005

  
**KARL GROUP**  
**PRIMARY EXAMINER**  
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